

IN THE SENATE OF THE UNITED STATES.

MAY 12, 1858.—Ordered to be printed.

Mr. FESSENDEN made the following

REPORT.

[To accompany Bill S. 338.]

*The Committee on Finance, to whom was referred the petition of Caleb Sherman, have had the same under consideration, and report :*

The petitioner states that he was appointed collector of the customs for the district of Paso del Norte, on the 5th of August, 1854, and immediately thereafter entered upon the duties of his office ; that he collected large sums of money, which have been duly accounted for ; that on the night of November 6, 1855, the office of the petitioner was entered, and the iron safe, furnished by the government, and in which the funds collected were kept, was broken open, and the contents abstracted and carried away, including the sum of nine hundred and seventy-five dollars and thirty-seven cents, as shown by the petitioner's books of the office. He prays that a bill may be passed for his relief.

It appears from the testimony in the case, which is satisfactory to your committee, that the office in which the petitioner transacted his business was on a public and frequented street, and in the neighborhood of occupied dwellings ; that the safe was such as afforded every reasonable evidence of its perfect security, and was used by other persons, by permission of the petitioner, for the deposit of funds ; and that no negligence is justly imputable to the petitioner in reference to the place of deposit, which was the best that could be afforded under the circumstances.

It appears, moreover, that on the night of November 7, 1855, some persons broke into the building, threw the safe down, unscrewed the handle of the door, and by this means were enabled to insert a quantity of gunpowder into a cavity of the lock, by which they blew open the door. This was a concealed defect in the construction of the safe, which, we have no doubt, was unknown to the petitioner. All the money then in the safe was carried off, of which several considerable sums belonged to merchants who had funds deposited therein. It appears that there was money therein belonging to the government apparently equal to the amount stated, but the exact amount of which can only be ascertained by the books of the office and the statement of the petitioner.

The individuals by whom the robbery was committed were at once pointed out by circumstances which left no doubt of their identity. They all decamped on the night of the robbery and escaped into Mexico. All reasonable efforts were made to capture them and recover the money, but without success.

Inasmuch, therefore, as the building and safe appear to have been locked, and the funds of government as well guarded as they could have been in that locality, and no negligence is imputable to the petitioner; and, furthermore, as his character is beyond suspicion, and no doubt is entertained at the department that he was robbed in the manner above stated, your committee recommend that an act be passed for his relief, and report accordingly.